

**REMARKS**

The present Supplemental Reply is being filed to supplement the previous Amendment and Reply filed on June 27, 2008, so as to provide information requested by the PTO regarding a history of all rejections made in the corresponding EPO prosecution of the present application and a copy of any allowed claims. Although it is believed that such a request is not required, Applicants provide the following information as to expedite prosecution of the application.

**Summary of the EPO prosecution**

Only one Office Action has been issued by the EPO and is attached in Appendix A. Appendix B provides an English translation of the original claims 1-20 of the EPO application. A summary of the EPO Office Action is as follows, but it is noted that the below summary is not an admission on the part of the Applicants that the EPO's analysis is correct or even applicable:

It appears that the documents D1 to D5 cited in the EPO Office Action are as follows:

D1: DE 199 19 132 A;

D2: WO 96/29211 A;

D3: U.S. Patent 6,192,698;

D4: EP 1 070 611; and

D5: U.S. Patent 5,975,422.

In the EPO Office Action, it is stated that the subject-matter of claim 1 is not new in view of D1.

According to the European Examiner, D2, D3, and D5 also disclose the subject matter of claim 1.

According to the European Examiner, the subject matter of the dependent claims 2-6 are deemed to be anticipated by D1.

According to the European Examiner, the subject matter of dependent claims 9, 18, and 20 are deemed to be anticipated by D2.

According to the European Examiner, the subject matter of dependent claim 16 is deemed to be anticipated by D3.

The subject matter of claims 7-8, 10-15, 17, and 19 are not explicitly rejected by the European Examiner, but their status is unclear to Applicant.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/3/08

By P.D.S.

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5540  
Facsimile: (202) 672-5399

Paul D. Strain  
Registration No. 47,369  
Matthew J. Kremer  
Registration No. 58,671

**APPENDIX A: EPO OFFICE ACTION**

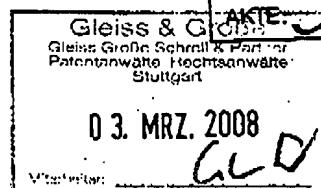


Europäisches  
Patentamt  
Europäische  
Patent Office  
Office européen  
des brevets

Europäisches Patentamt  
Postbus 5818  
2280 HV Rijswijk  
NIEDERLANDE  
Tel: +31 70 340 2040  
Fax: +31 70 340 3016

Gleiss, Alf-Olav  
Gleiss Grosse Schrell & Partner  
Patentanwälte Rechtsanwälte  
Leitzstrasse 45  
70469 Stuttgart  
ALLEMAGNE

FRIST:	16.06.08
VORFRISTEN:	16.06.08
AKTE:	✓
NOT:	✓



Anmeldung Nr. 03 783 970.1 - 1268	Zeichen 25940 EP	Datum 26.02.2008
Anmelder Behr GmbH & Co. KG		

### Beschluß gemäß Artikel 94 (3) EPÜ

Die Prüfung der obengenannten Anmeldung hat ergeben, daß sie den Erfordernissen des Europäischen Patentübereinkommens aus den beigefügten Gründen nicht genügt. Werden die genannten Mängel nicht behoben, so kann die Anmeldung nach Artikel 97 (2) EPÜ zurückgewiesen werden.

Sie werden aufgefordert, innerhalb einer Frist

von 4 Monaten

gerechnet von der Zustellung dieses Bescheides, Ihre Stellungnahme einzureichen und die angeführten Mängel, soweit diese behebbar sind, zu beseitigen. Die Frist berechnet sich nach den Bestimmungen der Regeln 126 (2), 131 (2) und (4) EPÜ.

Änderungen zur Beschreibung, zu den Ansprüchen und den Zeichnungen sind gegebenenfalls innerhalb der genannten Frist in einem Exemplar auf gesonderten Blättern (R. 50 (1) EPÜ) einzureichen.

**Unterlassen Sie es, auf diese Aufforderung rechtzeitig zu antworten, so gilt die europäische Anmeldung als zurückgenommen (Art. 94 (4) EPÜ).**



van der Bijl, Samuel  
Beauftragter Prüfer  
für die Prüfungsabteilung



Europäisches Patentamt  
Postbus 5818  
2280 HV Rijswijk  
NIEDERLANDE  
Tel: +31 70 340 2040  
Fax: +31 70 340 3016

Anlagen: 3 Seiten/ Gründe (Form 2906)

Datum  
Date  
Date

26.02.2008

Blatt  
Sheet  
Feuille

1

Anmelde-Nr.:  
Application No.:  
Demande n°:

03 783 970.1

Der Prüfung werden folgende Anmeldungsunterlagen zugrunde gelegt:

**Beschreibung, Seiten**

1-16\* veröffentlichte Fassung

**Ansprüche, Nr.**

1-20 veröffentlichte Fassung

**Zeichnungen, Blätter**

1/5-5/5 veröffentlichte Fassung

**Bemerkungen**

\* WO2004/014676

\*\*\*\*\*

Es wird auf die folgenden, Dokumente (D) verwiesen; die Nummerierung wird auch im weiteren Verfahren beibehalten:

D1: DE 199 19 132 A (VALEO KLIMASYSTEME GMBH) 2. November 2000 (2000-11-02)

D2: WO 96/29211 A (VALEO KLIMASYSTEME GMBH ;SCHWARZ STEFAN (US)) 26. September 1996 (1996-09-26)

D3: US-B1-6 192 698 (OGAWA YOSHIYUKI ET AL) 27. Februar 2001 (2001-02-27)

D4: EP-A-1 070 611 (BOSCH AUTOMOTIVE SYSTEMS CORP) 24. Januar 2001 (2001-01-24)

D5: US-A-5 975 422 (ORDBERG JIMMY) 2. November 1999 (1999-11-02)

1. Die vorliegende Anmeldung erfüllt nicht die Erfordernisse des Artikels 52 (1) EPÜ, weil der Gegenstand des Anspruchs 1 nicht neu im Sinne des Artikels 54 (1) und (2) EPÜ ist.

Datum  
Date  
Date  
26.02.2008

Blatt  
Sheet  
Feuille

2

Anmelde-Nr.:  
Application No.:  
Demande n°:  
03 783 970.1

1.1 Dokument D1 offenbart (die Verweise in Klammern beziehen sich auf dieses Dokument):

Ein Klimagehäuse mit einer Verdampfungseinrichtung, einer Heizungseinrichtung, einer Luftsteuereinrichtung (20,22), einem Innenraum, in dem Luftströmungspfade ausgebildet sind, und mit einem den Innenraum umgebenden Gehäuse, dadurch gekennzeichnet, dass ein erster Luftströmungspfad (12) und ein zweiter Luftströmungspfad (14) ausgebildet sind, und dass die Luftsteuereinrichtung (20,22) mindestens zwei Mischklappen (26,29) aufweist, von denen eine erste (20) dem ersten Luftströmungspfad (12) und eine zweite dem zweiten Luftströmungspfad (14) zugeordnet ist, und dass die Mischklappen (26,29) jeweils den zugeordneten Luftströmungspfad (12,14) in einer ersten Funktionsstellung vollständig freigeben und in einer zweiten Funktionsstellung gänzlich verschließen. (Siehe D1, Figur 3 und Spalte 5, Zeile 37 bis Spalte 6, Zeile 9)

1.2 Der Gegenstand des Anspruchs 1 ist somit nicht neu (Artikel 54 (1) und (2) EPÜ).

1.3 Dokumenten D2, D3 und D5 offenbaren auch die Gegenstand des Anspruchs 1.

2. Die abhängige Ansprüche 2-6,9,16,18,20 scheinen keine zusätzlichen Merkmale zu enthalten, die in Kombination mit den Merkmalen eines Anspruchs, auf den sie rückbezogen sind, die Erfordernisse des EPÜ in Bezug auf Neuheit bzw. erfinderische Tätigkeit erfüllen. Die Gründe dafür sind die folgenden:

2.1 Ansprüche 2-6: nicht neu, siehe D1.

2.2 Ansprüche 9,18,20: nicht neu, siehe D2.

2.3 Anspruch 16: nicht neu, siehe D3.

3. Der Anmelder wird aufgefordert, neue Ansprüche einzureichen, die den vorstehenden Bemerkungen Rechnung tragen.

4. Um die Erfordernisse der Regel 42 (1) b) EPÜ zu erfüllen, ist in der Beschreibung das Dokument D1 zu nennen; der darin enthaltene einschlägige Stand der Technik sollte kurz umrissen werden.

Datum  
Date  
Date 26.02.2008

Blatt  
Sheet  
Feuille

3

Anmelde-Nr.:  
Application No.:  
Demande n°: 03 783 970.1

5. Um die Prüfung von geänderten Anmeldungsunterlagen im Hinblick auf Artikel 123 (2) EPÜ zu erleichtern, sollte der Anmelder alle Änderungen - ob Hinzufügung, Ersatz oder Streichung - deutlich kenntlich machen und angeben, welche Stellen in der ursprünglich eingereichten Anmeldung diese Änderungen stützen (vgl. Richtlinien E-II, 1).

Wenn der Anmelder es für zweckmäßig hält, können diese Angaben handschriftlich auf Kopien der betreffenden Teile der ursprünglichen Anmeldung eingereicht werden.

S. van der Bijl

**APPENDIX B: ENGLISH TRANSLATION OF THE ORIGINALLY FILED  
CLAIMS 1-20 IN THE EPO APPLICATION**

- 18 -

**Patent Claims**

1. An air conditioner housing having an evaporation device, a heating device, an air control device, an interior space in which air flow paths are formed, and having a housing which surrounds the interior space, characterized in that a first air flow path (15) and a second air flow path (17) are formed, and in that the air control device (9) has at least two mixing flaps (11, 13), a first mixing flap (11) of which is assigned to the first air flow path (15), and a second mixing flap (13) of which is assigned to the second airflow path (17), and in that the mixing flaps (11, 13) each completely open the assigned air flow path (15, 17) in a first functional position and completely close it in a second functional position.
2. The air conditioner housing as claimed in claim 1, characterized in that a third and a fourth air flow path are formed, and in that the air control device has two further mixing flaps, one of which is assigned to the third airflow path, and one of which is assigned to the fourth airflow path.
3. The air conditioner housing as claimed in claim 1 or 2, characterized in that the mixing flaps are assigned to a warm air stream and close it off completely in their first functional position.
4. The air conditioner housing as claimed in one of the preceding claims, characterized in that the mixing flaps are each assigned to a separate warm air stream.
5. The air conditioner housing as claimed in one of the preceding claims, characterized in that the mixing flaps (11, 13) are embodied in symmetrical pair.

- 19 -

6. The air conditioner housing as claimed in one of the preceding claims, characterized in that at least one mixing flap, preferably all the mixing flaps, are embodied in two parts.  
5
7. The air conditioner housing as claimed in claim 6, characterized in that a first component mixing flap (65) and a second component mixing flap (67) are connected to one another in a moveable fashion.  
10
8. The air conditioner housing as claimed in claim 7, characterized in that the component mixing flaps (65, 67) are connected to one another by means of a film hinge.  
15
9. The air conditioner housing as claimed in one of the preceding claims, characterized in that the mixing flaps (11, 13) are mounted at one of their ends in a slotted guide mechanism and can be coupled at the other end to a drive (33, 35).  
20
10. The air conditioner housing as claimed in one of the preceding claims, characterized in that the mixing flaps (11, 13) are provided on their side edges with a sealing device which is preferably selected as a sealing edge.  
25
11. The air conditioner housing as claimed in one of the preceding claims, characterized in that at least one sealing edge (70, 70'), which interacts with the mixing flaps (11, 13), is provided on an inner wall of the air conditioner housing (1).  
30
- 35 12. The air conditioner housing as claimed in one of the preceding claims, characterized in that different flow paths for different outlets can be formed in its interior.

- 20 -

13. The air conditioner housing as claimed in claim 12, characterized in that the air flows which are assigned to the outlets can be influenced by means of the mixing flaps (11, 13).

5

14. The air conditioner housing as claimed in one of the preceding claims, characterized in that the drives (33, 35) of a pair (11, 13) of mixing flaps are arranged at a distance from one another on 10 opposite sides of the heating device (7).

10

15. The air conditioner housing as claimed in one of the preceding claims, characterized in that in each case two mixing flaps are assigned to one 15 drive.

16. The air conditioner housing as claimed in one of the preceding claims, characterized in that each mixing flap (11, 13) is assigned a separate drive 20 (33, 35).

20

17. The air conditioner housing as claimed in one of the preceding claims, characterized in that the heating device (7) is arranged centrally in the 25 air conditioner housing (1).

25

18. The air conditioner housing as claimed in one of the preceding claims, characterized in that the first and second flow paths (15, 17) lead past the 30 side of the heating device (7).

35

19. The air conditioner housing as claimed in one of the preceding claims, characterized in that in their first functional position the mixing flaps (11, 13) close off the heating device (7) in a planar fashion.

20. The air conditioner housing as claimed in one of the preceding claims, characterized in that in

- 21 -

their first functional position the mixing flaps (11, 13) bear against the housing (69) of the heating device (7).